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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

PANAMA

[19 September 1995]

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* These documents may be consulted in the files of the United Nations Centre for Human Rights.

Introduction

1. Full compliance with the precepts embodied in the Convention on the Rights of the Child requires not only a national law such as the Family Code, which contains regulations and legislation on prevention and on the protection and care of minors, but also an awareness of these guiding principles and the relevant international agreements. This calls for coordinated dissemination, implementation, verification and evaluation, aimed at monitoring compliance with the law, so that the necessary rectifications may be made.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Measures to bring national legislation and policy into line with the provisions of the Convention

2. The right to a name (Convention, art. 7). The Civil Code recognizes the right of children to bear the family names of their father and mother. In this regard, article 148 states:

> "Article 148: Legitimate children have the right:
>
> (1) To bear the family names of their father and mother;
>
> (2) To receive support;
>
> (3) To lawful succession and other rights granted them under this Code."

3. On the question of adopted children, article 181 of the Civil Code reads:

> "Article 181: From the time when the adoption order is made, the adopter and the adopted child acquire the rights and obligations of a father or mother and a legitimate child respectively, with the exceptions established in this Code."

4. The Constitution makes no explicit reference to the rights of the child, but they are implied by article 52, which refers to the determination of marital status under the law.

> "Article 52: The State shall protect marriage, motherhood and the family. Matters relating to marital status shall be determined by law.
>
> The State shall protect the physical, mental and moral health of minors and shall guarantee their right to support, health, education, and social security and welfare. Elderly and sick persons who are destitute shall also be entitled to such protection."

The Civil Registry also requires children to be registered immediately after birth.

5. The right to education. Article 28 of the Convention establishes the child's right to education and states that that right should be achieved progressively and on the basis of equal opportunity.

6. Article 87 of the Constitution specifically recognizes the child's right to education and the State's responsibility for organizing and directing education as a public service.

> "Article 87: All persons have the right to education and the responsibility to educate themselves. The State shall organize and direct national education as a public service and shall guarantee parents the right to participate in their children's educational process.
>
> Education shall be based on science and use its methods, promote its growth and dissemination, and apply its results in order to ensure the development of the individual and the family, and the affirmation and strengthening of the Panamanian nation as a cultural and political community.
>
> Education shall be democratic and founded on the principles of human solidarity and social justice."

7. Article 1 of Act No. 47, of 24 September 1946, which governs education in Panama, also guarantees that right to everyone without distinction as to race, religion, etc.

> "Article 1: All children and young people living in Panama are recognized as having the right, and at the same time the duty, to receive a full education from the State, without discrimination as to race, sex, wealth or social position."

8. The Civil Code also includes the parents' obligation to educate their children among the duties associated with parental authority (arts. 188-234, see annex I), as provided for in article 55 of the Constitution:

> "Article 55: Parental authority is constituted by the sum of rights and duties of parents vis-à-vis their children.
>
> Parents have an obligation to feed, educate and protect their children so as to ensure their proper physical and spiritual upbringing and development, and children have an obligation to respect and assist their parents.
>
> The exercise of parental authority shall be regulated by law in accordance with the interests of society and the welfare of the children."

9. Under the Constitution and the Education Organization Act, the right to an education in our country implies the following:

> (a) The right to free, compulsory primary education (art. 91):
>
> "Article 91: Public education shall be free at all pre-university levels. Primary-level or basic general education shall be compulsory.

Free education shall entail the State's obligation to furnish students with all the equipment necessary for their instruction until they complete their basic general education.

Free education shall not preclude the establishment of a tuition fee payable at the non-compulsory levels."

(b) The right to attend freely chosen private or public educational establishments (art. 90):

"Article 90: Freedom of education is guaranteed and the right to establish private schools, subject to law, is recognized. The State may have access to private educational establishments in order to ensure that these establishments pursue the national and social goals of promoting culture and the intellectual, moral, civic and physical training of pupils.

Public education shall be that which is given in public schools and private education that which is given in private schools.

Educational establishments, whether public or private, shall be open to all students, without distinction as to race, social position, political views, religion, or the nature of the relationship between the student's parents or guardians.

Both public and private education shall be regulated by law."

(c) The right to be educated in the official language (except in special cases; art. 96):

"Article 96: Education shall be given in the official language; however, in the public interest, in some educational establishments the law may allow classes to be given in a foreign language as well.

The history of Panama and civic education shall be taught by Panamanians."

(d) The right to obtain scholarships or grants in cases of merit or need (art. 98):

"Article 98: The State shall establish a system whereby adequate resources are provided for scholarships, grants or other financial assistance to students who deserve or require it."

(e) The right to special education, teacher training, or vocational, commercial or professional training (art. 102):

"Article 102: Students with special needs of any kind shall be afforded special education based on scientific research and educational guidance."

10. The goals of Panamanian education which are related to the Convention include the following:

(a) The right to a full and balanced education in keeping with the physical, intellectual, moral, aesthetic and civic standards of society (Constitution, art. 88):

> "Article 88: Education shall promote the full and balanced development of the student in keeping with the physical, intellectual, moral, aesthetic and civic standards of society and shall prepare the student to perform useful work in his own interest and for the benefit of society."

(b) To promote in the student a sense of national identity based on knowledge of our country's history and problems (Constitution, art. 89):

> "Article 89: It is recognized that the purpose of Panamanian education shall be to promote in the student a sense of national identity based on knowledge of our country's history and problems."

(c) The right to health and special care: the Convention establishes this right in article 24; article 105 of the Constitution provides that the State's primary function is as follows:

> "Article 105: A special function of the State shall be to protect the health of the population of the Republic. The individual, as part of the community, shall be entitled to the promotion, protection, preservation, recovery and rehabilitation of his health and shall have the obligation to preserve it, health being understood as complete physical, mental and social well-being."

11. The child's right to health, which under the Constitution includes the right to special prenatal and postnatal care, is also established.

12. Parents have an obligation to feed, educate and protect their children so that they receive a proper upbringing and achieve adequate physical and spiritual development, while children are obliged to respect and assist their parents. In this regard, article 234 of the Civil Code reads as follows:

> "Article 234: The following persons have an obligation to provide for each other's support, in the full sense specified in article 233 (everything required for sustenance, housing, clothing, medical care, education and training):
>
> (1) The spouses;
>
> (2) Forebears and descendants.
>
> They shall, by way of maintenance, provide each other with the assistance necessary for subsistence. Parents also have an obligation to pay for their children's basic education and training for a profession, trade or occupation, within the limits of their financial capacities.

Siblings shall provide each other with the assistance necessary for subsistence when the recipient is unable to provide for his own subsistence because of a physical or mental disability or for any other reason beyond his control. Such assistance shall, if necessary, include the expenditure necessary to pay for basic education and training for a profession, trade or occupation, in accordance with the financial capacities of the provider.

Foster parents also have the right to be supported by their foster children in cases of proven need."

13. With regard to their upbringing and care, the children of working parents have the right to child-care services (Convention, art. 18); in this connection, article 115 of the Labour Code reads as follows:

"Article 115: The Executive and the Social Security Fund shall, within a period of one year from the entry into force of this Code, establish day nurseries and crèches in industrial or commercial sectors in which there are a large number of employees. Working mothers shall be entitled to leave their children, until they reach school age, at such centres, where they shall be provided with medical and dietetic care and with the requisite recreational facilities."

14. During the past few years, government agencies have set up Child Guidance Centres for the children of their employees, thereby complying with the provisions of the Convention.

15. Right to social security. In accordance with the Convention (art. 26), children have the right to social security. In Panamanian law, this right is covered under article 109 of the Constitution.

"Article 109: Every individual is entitled to the security of his means of subsistence in the event of unfitness for work or inability to obtain gainful employment. The social security services shall be provided or administered by autonomous agencies and shall cover sickness, maternity, disability, family subsidies, old age, widowhood, orphanhood, compulsory dismissal, industrial accidents, occupational diseases and any other contingencies that may be covered by social security. The establishment of such services, as and when required, shall be provided for by law.

The State shall establish social assistance and welfare institutions, whose fundamental tasks shall be the economic and social rehabilitation of dependent sectors or sectors which lack financial resources, and the care of mentally disabled, chronically ill and needy disabled persons and groups that have not been integrated into the social security system."

16. This matter is dealt with at greater length in the Social Security Fund Organization Act, which grants children the right to social security and, if they are employed, requires them to make social security contributions. It also entitles them, as dependants of an insured person, to share that person's coverage for sickness, medical care, surgical procedures, medicines, dental care and hospitalization. In that regard, article 79 of the Organization Act reads as follows:

"Article 79: Insured minors shall be treated as adults in all matters relating to social security membership and benefits."

17. Existing legislation establishes the right to an adequate standard of living, as provided for under article 62 of the Constitution:

"Article 62: The law shall establish the way in which the minimum wage or salary of workers is to be periodically adjusted to meet the normal needs of their families and to improve their standard of living, according to the specific conditions of each region and each economic activity. The law may also determine the method of setting minimum wages or salaries by profession or trade.

Whenever job or piece-work is performed, payment of the minimum wage for each day's work is obligatory.

The minimum wage portion of any wage or salary shall be unattachable, except for obligatory support payments as established by law. The tools of workers shall also be unattachable."

18. This right is granted to all persons. In this connection articles 213 and 214 of the Criminal Code stipulate:

"Article 213: Any person who is required to provide another person with the necessary means of support and fails to meet that obligation shall be liable to six months to one year of imprisonment and 50 to 100 days' fine.

Additional clause: For the purpose of this article, the judge shall determine the situation and means of the person obliged to provide support.

If there is reliable evidence that the person in question has no financial resources, the judge shall not impose any penalty.

"Article 214: The sentence provided for in the preceding article shall be increased by one third if the guilty party, in order to avoid meeting his support obligations, resigns his position, transfers his property or, by any other means, brings about his own bankruptcy."

19. The articles reproduced above impose penalties for failure to meet family obligations, as does article 236 of the Civil Code, which states:

"Article 236: If the obligation to provide support falls on two or more people, support payments shall be divided between them in proportion to their assets.

However, in cases of urgent necessity and in special circumstances, the judge may order just one of them, on a temporary basis, to make support payments, without prejudice to that person's right to claim reimbursement from the other obligees the share which they owe.

If two or more dependants simultaneously claim support from a person who is legally obliged to provide it and the latter person does not have sufficient means to support them, the order established in the preceding article shall be maintained, unless the two dependants are a spouse and a child subject to parental authority, in which case preference shall be given to the latter."

20. Under the Constitution and other legislation, every individual also has the right to rest and recreation and to participate in cultural and artistic activities. In this regard, article 76 of the Constitution reads:

"Article 76: The State recognizes the right of every individual to take part in cultural activity and shall therefore encourage the participation of all inhabitants of the Republic in the national culture."

21. The right to an identity is reflected in the provisions of the Civil Code (art. 270) and the Criminal Code (art. 211), which read as follows:

"Civil Code, article 270: A guardian administering the financial affairs [of a child] shall stand surety for:

(1) The value of the rental income and profit from real estate, as averaged over a two-year period and assessed by specialists in that sphere;

(2) The cash value of personal property and of the equipment and livestock of landed property.

The surety shall increase or decrease according to fluctuations in the value of the property in question."

"Criminal Code, article 211: Except in the cases provided for in the previous article, any person who places a child in an orphanage or charitable institution and in so doing conceals his relationship to the child, shall be liable to six months to two years of imprisonment. If the guilty party is a parent or grandparent, the penalty shall be one to three years' imprisonment."

22. The right of children to live with their families is covered by article 188 of the Civil Code, which states that parents have a duty to keep their children with them. The article reads as follows:

"Article 188: The father or, in his absence, the mother shall have, with regard to their minor children:

(1) The duty to support them, to live with them, to educate and instruct them according to his or her means, and to act on their behalf in any activities which may benefit them;

(2) The authority to reprimand and punish them in moderation."

23. On the other hand, there are rights, such as children's right not to be separated from their parents against the parents' will, which are not explicitly guaranteed but are related to articles 187 and 200 of the Civil Code. These articles read as follows:

> "Article 187: The father or, in his absence, the mother have authority over their legitimate minor children, and the children have the obligation to obey them for as long as they remain under their authority and to accord them respect at all times.
>
> Natural and adopted minor children shall be subject to the parental authority of their father or mother and have the same obligations as those referred to in the preceding paragraph.
>
> ...
>
> "Article 200: Parental authority shall cease:
>
> (1) Upon the death, emancipation or majority of the child;
>
> (2) Upon the death or permanent incapacity of the persons who exercise such authority; and
>
> (3) Upon adoption."

24. With regard to the right to life, articles 17 and 19 of the Constitution state:

> "Article 17: The authorities of the Republic of Panama are established for the purpose of protecting the life, honour and property of its nationals, wherever they may be and foreigners under its jurisdiction; ensuring the effectiveness of individual and collective rights and duties; and observing and enforcing the Constitution and the law.
>
> ...
>
> "Article 19: There shall be no personal privileges or exemptions or any discrimination on grounds of race, birth, social class, sex, religion or political views."

25. Similarly, article 43 of the Civil Code states:

> "Article 43: The law shall protect the life of the unborn child. The judge shall therefore, at the request of any person or on his own initiative, take whatever steps he deems appropriate to protect the life of the unborn child if he believes it to be in any form of danger; in consequence, any sentence imposed on a mother which may endanger the life or health of her unborn child shall be postponed until after the birth of the child."

26. Articles 141 and 311 of the Criminal Code clearly and precisely set forth the penalties to be imposed on any person who perpetrates acts liable to endanger or put an end to human life:

"Article 141: Any woman who causes herself to abort or willingly undergoes an abortion shall be liable to one to three years' imprisonment.

...

"Article 311: Any person who participates in the total or partial destruction of a particular group of human beings by reason of their nationality, race or religious or political beliefs shall be liable to 15 to 20 years' imprisonment.

The same sentence shall be imposed on any person who, in order to totally or partially destroy a particular group of people for the reasons set forth in the preceding paragraph, engages in any of the following acts:

(1) Causing physical or psychological harm to the members of such groups;

(2) Endangering such groups;

(3) Preventing births; and

(4) Transferring children belonging to such a group to another group through the use of force or intimidation."

27. Finally, the right to a nationality is provided for in several provisions of the Constitution (acquisition and loss of nationality in arts. 10, 11 and 13) and in Act No. 7 of 4 March 1980, which establishes the relevant regulations. The above-mentioned articles read as follows:

"Article 10: The following persons may apply for Panamanian nationality through naturalization:

(1) Foreigners who have lived for five consecutive years in the territory of the Republic if, having reached the age of majority, they declare their wish to be naturalized, explicitly renounce their nationality of origin or the nationality they currently possess, and demonstrate that they have a command of Spanish and a basic knowledge of the geography, history and political system of Panama;

(2) Foreigners who have lived for three consecutive years in the territory of the Republic and have children born in this country of a Panamanian father or mother, or whose spouse is of Panamanian nationality, if they declare their wish to do so and demonstrate that they have satisfied the conditions set forth in the preceding paragraph;

(3) Nationals by birth of Spain or a Latin American State if they meet the conditions for naturalization which their country of origin requires of Panamanians.

"Article 11: Children born abroad and adopted before the age of 7 by Panamanian nationals shall be considered Panamanian without the requirement of naturalization if they establish residency in the Republic of Panama and express their desire to obtain Panamanian nationality no later than one year after they reach their majority.

...

"Article 13: Panamanian nationality, whether original or acquired by naturalization, shall be inalienable, but explicit or tacit renunciation of that nationality shall result in suspension of citizenship.

Panamanian nationality which has been received or acquired by naturalization shall be subject to loss for the reasons listed above. Express renunciation of that nationality shall be deemed to occur if a person informs the governmental authorities in writing of his desire to renounce it, and tacit renunciation shall be deemed to occur if a person acquires another nationality or enters the service of a hostile State."

B. Children's right to participation in the context of the convention and the Panamanian legal system

28. Rights are considered as representing universal and particular values whose existence and exercise are independent of the conscious subject and whose goal is the complete, harmonious fulfilment of man within his family and society. Rights may therefore be exercised by all human beings without distinction, and it is for this reason that Panamanian law specifically provides that children should enjoy human rights, for example, in the case of health or education.

29. In this regard, articles 35 and 37 of the Constitution recognize the right to express an opinion and to freedom of expression, information, thought, conscience and religion.

"Article 35: All religions may be professed and all forms of worship practised freely, without any limitation other than respect for Christian morality and public order. It is recognized that the Catholic religion is practised by the majority of Panamanians.

...

"Article 37: Every person may express his opinion freely, whether orally, in writing or by any other means, without being subject to prior censorship. Legal liability shall, however, be incurred when, by any of these means, the reputation or honour of persons or State security or public order is jeopardized."

30. The last two articles are related to article 103 of the Constitution, which is reproduced below because it stipulates that children are not obliged to be educated in the Catholic religion or to participate in activities of that religion if their parents do not wish them to do so.

"Article 103: The Catholic religion shall be taught in public schools but, at the request of their parents or guardians, pupils shall not be obliged to attend religious classes or to participate in acts of worship."

31. Article 38 of the Constitution establishes the right to freedom of association and peaceful assembly.

"Article 38: All inhabitants of the Republic have the right to assemble peacefully, without arms, for lawful purposes. Public demonstrations or open-air gatherings shall not require permission. Prior notification of the local governmental authorities, 24 hours in advance, shall be the only requirement for such gatherings.

The authorities may take police action to prevent or halt abuses of this right when the form in which it is exercised causes, or may cause, traffic disturbances, a breach of the peace or violation of the rights of others."

32. Lastly, the Constitution establishes the right of access to information.

33. In this regard, a number of measures have been adopted by the State to protect children against information which is harmful to their morals. These measures have included, for example, censorship of public performances, cinematographic films, etc., and of the advertising of alcoholic beverages, cigarettes and tobacco.

34. The right to culture, religion and language, which is of major importance among the rights of participation, is established in article 104 of the Constitution with reference to programmes for the education and advancement of the indigenous ethnic groups and in article 86 concerning the respect due to their ethnic identity.

"Article 104: The State shall develop education and advancement programmes for the indigenous groups since they possess their own cultural standards, so as to ensure their active participation as citizens."

"Article 86: The State recognizes and respects the ethnic identity of the national indigenous communities. It shall carry out programmes to develop the material, social and spiritual values inherent in each of their cultures, and shall establish an institution for the study, preservation and dissemination of these cultures and their languages and for the promotion of the full development of these human groups."

C. Rights of protection of the child in the context of the Convention and Panamanian legislation

35. Rights of protection exist against certain acts or practices which may adversely affect the full development of children as individuals. In Panama's legal system, certain provisions are intended to protect some of these rights. Some are exclusively intended to protect children, whether against sexual or economic exploitation, or their purpose may be to protect children deprived of

a family environment, disabled children, young offenders or children available for adoption, or to protect them against abduction, sale or trafficking, abuse, harm, ill-treatment, etc.

36. Other provisions, on the other hand, take the form of a legal precept whose purpose is to provide broad protection for all persons against, for example, discrimination or being subjected to torture, imprisonment or capital punishment.

37. The rights of protection which exclusively concern children require special mention. The Convention establishes the right of protection of certain categories of children in special situations; these include children who have been deprived of a family environment, children available for adoption, disabled children, etc.

38. Where children deprived of a family environment are concerned, the Constitution stipulates that it is the State which is required to guarantee the child's safety. Reference is made to article 55 of the Constitution, which is reproduced in paragraph 8 above.

39. As regards neglect, article 59 of the Constitution provides for the establishment of a body for the protection of the family, etc.

> "Article 59: The State shall establish a body for the protection of the family with the aim of:
>
> (1) Promoting responsible parenthood through family education;
>
> (2) Providing education for preschool children in specialized establishments in cases where parents or guardians request such education;
>
> (3) Protecting minors and elderly persons, and caring for and reintegrating into society persons who have been abandoned, are without protection are in moral danger or have behavioural problems. The law shall organize and determine how the special juvenile court is to function, its duties being, inter alia, to hear cases involving paternity suits, family abandonment and juvenile delinquency."

40. In this context, the Juvenile Court was established by Act No. 24 of 1951. Another State institution, the Ciudad del Niño, was founded in 1966, and there are private institutions such as Aldeas S.O.S. which care for abandoned children or orphans. Similarly, there are institutions for the protection of children which are subsidized and supervised by the State through the Ministry of Labour and Social Welfare, such as the institutions run by members of the clergy or lay persons; there are 13 of these - 10 for girls and 3 for boys.

41. The provisions relating to guardianship and curatorship set out in articles 187 and 188 of the Civil Code should also be borne in mind. These articles are reproduced in paragraphs 23 and 22 above.

42. Articles 52 and 102 of the Constitution establish protection of the obligations of parents and siblings with respect to disabled children. These articles are reproduced in paragraphs 4 and 9 above.

43. Article 234 of the Civil Code stipulates the obligations of parents and siblings vis-à-vis disabled children (see annex I).

44. In addition, a number of institutions provide education for disabled children. These include the Panamanian Special Training Institute which was founded in 1951, and a number of non-governmental bodies such as the Fundación Pro Impedidos (Foundation for the Disabled).

45. Jurisdiction over and responsibility for child offenders lie with the Juvenile Court, which provides them with care and follow-up in accordance with their situation.

46. Panamanian legislation contains a number of provisions, inter alia, in the Civil Code, to protect children available for adoption.

47. It should be mentioned that the Constitution recognizes the right of minors to protection from exploitation, as it prohibits work by minors in unhealthy occupations and the employment of minors under the age of 14 in certain occupations.

Article 66 of the Constitution reads as follows:

"Article 66: The maximum length of the working day shall be 8 hours and the working week 48 hours. Night work may not be of more than seven hours' duration and overtime shall be remunerated at a supplementary rate. The working day may be shortened to six hours for minors aged between 14 and 18. Minors under the age of 16 may not be employed except in the circumstances specified by law. The employment of minors under 14 in domestic service and of minors or women in unhealthy occupations is also prohibited.

Every worker shall be entitled to paid holidays, in addition to weekly rest days.

The law may prescribe paid weekly rest days in accordance with the country's economic and social circumstances and the welfare of workers".

48. The Labour Code contains a number of prohibitions relating to the employment of minors. On account of their great importance we reproduce the relevant articles below.

"Article 117: The following persons are prohibited from working:

(1) Minors under 14 years of age;

(2) Minors up to 15 years of age who have not completed primary education.

"Article 118: Persons under 18 years of age are prohibited from engaging in work which, because of its nature or the conditions in which it is carried out, endangers the life, health or morals of those performing it. This work includes, in particular:

(1) Employment in clubs, canteens and other places which retail alcoholic beverages;

(2) Transport of passengers and goods by road, rail, air and inland waterway, and work on docksides, wharves and warehouses;

(3) Employment connected with electric power generation plant, transformers and transmission lines;

(4) Handling of explosive or inflammable substances;

(5) Underground work in mines, quarries, tunnels or sewers;

(6) Handling of substances, equipment or devices exposing workers to the effects of radioactivity.

The provisions of paragraphs (2), (3), (4) and (5) of this article shall not apply to minors working in vocational training schools, provided that such work is approved and supervised by the competent authorities.

"Article 119: On farms minors aged between 12 and 15 may be employed only on light work and outside school hours.

"Article 120: Minors under 18 years of age are also forbidden to work:

(1) Night shifts between 6 p.m. and 8 a.m.;

(2) Overtime on Sundays, official holidays or days of national mourning.

...

"Article 123: Minors over 12 years of age may be employed in domestic service, on light work, subject to the authorization of the Ministry of Labour and Social Welfare, subject to compliance with the provisions of article 119 with respect to their education.

It shall be mandatory for the employers of minors of school age to send them to school at least until they complete their primary education."

49. There are a number of provisions that afford protection against sexual exploitation, such as article 223 of the Judicial Code, which imposes penalties for any act intended to debauch or encourage the debauchery of minors, and article 201 of the Civil Code, which provides for the suspension of parental authority and of the right to exercise it in the case of persons who perpetrate acts of debauchery.

"Judicial Code, Article 223: In cases involving acts of indecency or offences against sexual freedom, once the offence has been verified, the victim's statement shall be sufficient for the suspect to be charged.

In cases involving minors under the age of 16, the statement shall be made with the assistance of a sworn guardian ad litem."

"Civil Code, Article 201: A father or mother who debauches, or facilitates the debauchery or prostitution of, their son or daughter shall forfeit paternal authority and be permanently disqualified from exercising such authority."

50. Minors are also indirectly protected against the use of narcotics and psychotropic substances by the penalties laid down in article 262 of the Criminal Code for persons who engage in these unlawful acts. Other offences such as abduction and the sale of or trafficking in children are severely punished under Panamanian legislation, in particular by the Criminal Code, the relevant articles of which are reproduced below.

"Article 262: Any person who, for unlawful purposes, uses or maintains an establishment for the consumption, sale or supply of drugs shall be liable to a penalty of 5 to 10 years' imprisonment, and the establishment concerned shall be permanently closed if it was primarily or exclusively used for this purpose.

The same penalty shall be imposed on the owner, tenant, manager or occupier on any account of a building or establishment who uses it, or knowingly makes it available to another person who uses it, to manufacture, store, sell, cultivate or permit the illicit consumption of drugs.

...

"Article 310: Any person who directs or belongs to an international organization trafficking in drugs or persons shall be liable to a penalty of 10 to 15 years' imprisonment.

The same penalty shall be imposed on any person who violates any of the human rights recognized in agreements signed by Panama."

"Article 221: Any person who with criminal intent abducts or detains a person through the use of violence, intimidation or deception shall be liable to one to three years' imprisonment.

If the victim is aged under 12 or is incompetent, the penalty shall be two to four years' imprisonment, even if no violence, intimidation or deception was employed."

"Article 215: Any person who fails to observe or abuses the rights vested in him by the exercise of parental authority, guardianship or curatorship, to the manifest detriment of the child, ward or incompetent person, shall be liable to six months to one year of imprisonment and 20

to 60 days of fine, in addition to loss of, and disqualification from exercising, the rights or duties concerned.

If these offences are committed to the detriment of a spouse from whom the person is separated but not divorced, of a brother or sister living in the same family as the perpetrator, or of an uncle, nephew or other relative in the second degree, criminal proceedings shall be instituted only if the victim brings a formal charge."

51. The Civil Code contains other provisions of relevance to this question, in particular those concerning the custody of children in cases of separation or divorce. Article 120 reads as follows:

"Article 120: The custody, upbringing and education of children shall be entrusted to the innocent spouse or, if both are at fault, to the spouse who, in view of the judge, is less at fault.

However, the judge may deem it appropriate to order the children to be entrusted to the other spouse provided that he or she satisfies the moral requirements of the law in respect of custody, or order them to be placed in guardianship.

Children under the age of five shall remain in the care of the mother until they reach that age, unless it is necessary to deprive her even of the custody of these children in the interest of the children themselves.

Regardless of who is responsible for the children, the father or mother shall be obliged to contribute to the education of the children and to provide support in proportion to their means."

52. In accordance with the Convention, measures must be taken to promote the recovery and social reintegration of child victims of neglect, exploitation or abuse. The juvenile court provides this rehabilitation service for the minors with whom it deals.

"Article 12: In deciding cases involving minors, a juvenile court judge may, depending on the circumstances of the case, order any of the measures specified below:

...

Paragraph (c): If the child's physical, mental or moral condition is such as to require his or her committal to institutional care, the judge shall order him or her to be placed in an educational or rehabilitation establishment, in a hospital or in any other appropriate establishment to ensure his or her physical, mental or moral recovery, as befits the circumstances."

53. As to the periodic examination to be undertaken in order to determine whether the minor should be reintegrated into society, this is not expressly provided for, apart from a number of provisions governing the Chapala Vocational Centre.

54. There are rights for the protection of the child which are recognized for all persons, without distinction, whether they are minors or adults. The legal provisions relating to these rights make no allusion to the child because they use wording such as "any person". Thus, when we talk about protection against discrimination, it applies to all persons, without distinction as to race, colour, sex, language, religion, birth or political views; it is also applicable to foreign children in Panama. Articles 19 and 20 of the Constitution read as follows:

> "Article 19: There shall be no personal privileges or exemptions or any discrimination on grounds of race, birth, social class, sex, religion or political views.
>
> "Article 20: Panamanians and foreigners are equal before the law but, for reasons of work, health, morals, State security and the national economy, the law may make foreigners in general subject to special conditions or deny them the right to engage in certain activities. Depending on the circumstances, the legislature or the authorities may also take measures exclusively affecting the nationals of certain countries in the event of war or in conformity with the provisions of international treaties."

55. The right to privacy, honour and reputation is also covered by the Constitution (arts. 26 and 37) and the Criminal Code (art. 172). The right not to be subjected to torture is established in article 28 of the Constitution, and the prohibition of illegal and arbitrary detention and protection against life imprisonment and capital punishment are provided for in article 22.

> "Article 26: The domicile or residence is inviolable. No one may enter it without the consent of the owners, except by written order of a competent authority and for specific purposes, or to assist victims of a crime or disaster.
>
> Labour, social-security and health officials may, upon presentation of valid identification, make home visits or inspect work sites to ensure that social and public-health legislation is being complied with.
>
> ...
>
> "Article 37: Every person may express his opinion freely, whether orally, in writing or by any other means, without being subject to prior censorship. Legal liability shall, however, be incurred when, by any of these means, the reputation or honour of persons or State security or public order is jeopardized."
>
> "Criminal Code, Article 172: Any person who falsely accuses another person of committing a punishable offence shall be liable to 90 to 180 days of fine.

"Constitution, Article 28: The prison system is based on principles of security, rehabilitation and social defence. The application of measures which infringe the physical, mental or moral integrity of prisoners is prohibited.

Prisoners shall be given training in occupations which will enable them to be usefully reintegrated into society.

Juvenile prisoners shall be subject to a regime of custody, protection and education."

"Article 22: Every person placed under arrest shall be informed immediately, and in an understandable manner, of the reasons for his arrest and of his corresponding constitutional and legal rights.

Persons accused of committing an offence have the right to be presumed innocent until proved guilty in a public trial in which they have received all the guarantees established for their defence.

Every arrested person shall have the right from the moment of his arrest to the assistance of a lawyer in police and judicial proceedings. This matter shall be regulated by law."

56. Among the rights not directly recognized is that of protection in times of armed conflicts. Children in armed conflicts have the right to special protection in accordance with the Convention (art. 38). In addition, no child under the age of 15 may take a direct part in hostilities. In order to guarantee this right, States undertake to respect the rules of international humanitarian law applicable to them in armed conflicts.

57. A mechanism set up to coordinate policies on children is the Family Code, whose aim is to update concepts in this social area and to establish the legal bases which, with the aid of other programmes, will help solve the problems faced by the Panamanian family and will ensure compliance with the provisions of the Convention.

58. Panamanian family policy used to be pursued against a background of widely scattered legislation and the non-existence of a single body of jurisprudence crystallizing the whole gamut of relevant legal instruments: the Constitution, Civil Code, Administrative Code and Criminal Code, among others. This is why the Family Code now stands out as the one instrument covering all matters relating to the family.

59. The administration of family policy is also scattered, between the Directorate-General for Social Welfare within the Ministry of Labour and Social Welfare, the Juvenile Court, the Panamanian Special Training Institute, the Ministry of Education (School for Parents), the Directorate-General for Community Development, the Municipality of Panama City, the Fundación Pro-Familia (non-governmental organization), the Panamanian Family Planning Association, the Asociación Pro-Niñez (NGO), the Panamanian White Cross (NGO), the Panamanian Red Cross (NGO), the National Council for Rural Youth - Parajuru (NGO), the National Nutrition Service Council, the Darién Asociación Pro-Niños, and other entities.

60. In compliance with article 42 of the Convention on measures taken or to be taken to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike, it should be noted that in our country, through the media, special efforts have been made to raise awareness among the public and the competent authorities of the rights contained in the various human rights instruments.

61. Radio programmes have given a certain amount of publicity to human rights. The press has published announcements and news items on this subject, while United Nations bodies, the United States Agency for International Development and the Government of the United States have produced publications on the same subject. The national television channels have broadcast messages aimed at raising viewer awareness of human rights in general. Furthermore, the Panamanian education sector, at the primary, secondary and university levels, through modules and research, is making a systematic and organized contribution to the consistent and responsible dissemination of information on human rights.

62. The body responsible for preparing national reports on human rights, which periodically receives information on this question, is the Directorate-General for International Organizations and Conferences within the Ministry of Foreign Affairs, supported by the offices on international affairs within the various government departments.

63. The dissemination of these reports is effected through the media, with the nationwide participation of the public relations offices of interested governmental and non-governmental institutions, the national press, the Educational Printing Centre for all levels of education (preschool, primary, secondary and university), community councils and public libraries.

II. DEFINITION OF THE CHILD

64. The Civil Code of the Republic of Panama states:

> "Article 34 (a): A person under 7 years of age shall be defined as an infant or child; a male under the age of 14 and a female under the age of 12 shall be defined as pre-adolescent; ...".

65. Article 125 of the Constitution reads as follows:

> "Article 125: All Panamanians over 18 years of age, without distinction as to sex, shall be considered citizens of the Republic."

66. In this regard, article 209 of the Civil Code stipulates:

> "Article 209: A minor both of whose parents are dead may petition the competent court to be considered as having reached the age of majority."

67. In hospitals, according to the administrative regulations minors under the age of 16 must be accompanied by an adult in order to receive medical treatment. In legal proceedings minors may request assistance provided their parents or guardians endorse such a request.

68. With regard to the end of compulsory education, article 91 of the Constitution stipulates that:

"Article 91: Public education shall be free at all pre-university levels. Primary-level or basic general education shall be compulsory.

Free education shall entail the State's obligation to furnish students with all the equipment necessary for their instruction until they complete their basic general education.

Free education shall not preclude the establishment of a tuition fee payable at the non-compulsory levels."

69. On the question of the employment of minors, articles 83, 101, 117, 118, 119, 120 and 122 of the Labour Code state the following:

"Article 83: Any person over the age of 14 may enter into a work contract, subject to the restrictions established in this Code.

...

"Article 101: The following may not be hired to work outside the country:

(1) Minors under the age of 18, unless they have received explicit permission to work for an authorized person or institution;

(2) Unemancipated minors over the age of 18 who have not been granted legal majority, if their legal representative opposes their employment;

(3) Persons with dependants obliged to remain in Panama, unless they have, to the satisfaction of the Ministry of Labour and Social Welfare, guaranteed fulfilment of their financial and social obligations towards their dependants for the entire period of their intended absence; and

(4) Persons who have been administratively or judicially ordered to make support payments, unless the contract of employment includes a prior guarantee of their fulfilment of that obligation.

...

(Articles 117-120 are reproduced in paragraph 48 above)

"Article 122: For the purpose of setting the length of the working day, the school schedules of minors shall be taken into consideration. Working hours may not exceed:

(1) Six hours per day and 36 hours per week for persons under 16 years of age;

(2) Seven hours per day and 42 hours per week for persons under 18 years of age."

70. Panamanian law prohibits consensual sexual relations with under-age women, the Criminal Code stating as follows:

"Article 219: Any person who has sexual relations with a young woman over 12 and under 16 years of age, with her consent, shall be liable to one to three years' imprisonment.

If the act is committed under promise of marriage or by a relative, a member of the clergy of the victim's religion, a guardian, a teacher, or any person in any way responsible for the victim's education, care or upbringing, the sentence shall be doubled."

71. Article 94 of the Civil Code mentions four cases or situations in which marriage is forbidden, the first of which is of relevance to this report:

"Article 94: Marriage is forbidden:

(1) To any minor under 18 years of age without the prior and explicit consent of the person exercising parental authority or guardianship over him or her".

72. Since Panama has no army, there are no laws on the question. The Government will respect the provisions of article 38 of the Convention on the Rights of the Child, guaranteeing that persons who have not attained 15 years of age shall not take a direct part in hostilities.

73. With regard to children giving testimony in court, articles 900 and 668 of our Judicial Code state:

"Article 900: A minor between 7 and 14 years of age may testify only in the presence of a guardian. A minor aged 14 or older may testify without a guardian, but the judge shall ensure that he or she is not taken advantage of during the examination."

"Article 668: In any proceedings, whether contentious or non-contentious, in which the interests of a minor may be affected, the judge, if he deems it necessary, shall not rule on the case without requesting the Juvenile Court to make a brief report and submit recommendations on the best interests of the minor within 10 days. If the higher court deems it appropriate, it shall request the Juvenile Court to provide a report and recommendations on the case when the judge has not done so."

74. Articles 4 and 13 of Act No. 24 of 19 February 1951, under which the Juvenile Court was established, state as follows:

"Article 4: The Juvenile Court alone shall hear the following cases if they involve minors under 18 years of age:

(a) Cases of basic behavioural problems, infringements of laws, decrees or regulations which entail criminal responsibility or carry a correctional penalty, or cases of neglect, indigence, ill-treatment, exploitation, corruption or physical or mental disability.

...

"Article 13: As from the date of promulgation of this Act, no criminal proceedings shall be instituted against any person who was not 18 years of age at the time when the offence was committed. A minor charged with an ordinary offence shall be brought before the Juvenile Court and shall be assigned, subsequent to the procedures established by this Act, to a preventive regime of education and discipline, according to the circumstances of the case as provided for in the preceding article."

75. Act No. 36 of 25 November 1952 establishes penalties for the supply or sale of alcoholic beverages to minors.

III. GENERAL PRINCIPLES

76. Panama respects and maintains in force measures for the protection of minors from all forms of discrimination. In this regard, reference is made to articles 19 and 20 of the Constitution, which are reproduced in paragraph 54 above.

77. Chapter 2 of the Constitution pays particular attention to the family, article 52 stipulating:

"Article 52: The State shall protect marriage, motherhood and the family. Matters relating to marital status shall be determined by law.

The State shall protect the physical, mental and moral health of minors and shall guarantee their right to support, health, education, and social security and welfare. Elderly and sick persons who are destitute shall also be entitled to such protection."

78. In this regard, the State has established institutions which provide protection and temporary and/or permanent shelter for minors between 4 and 18 years of age and elderly persons over the age of 70 in particularly difficult circumstances. In these institutions such persons find the conditions necessary for their physical, psychological and social development so that they may continue to live decently in a manner appropriate to their stage of life.

79. The Child Guidance Centres provide appropriate care for children while their parents are at work. Preschool education is the fundamental basis for all subsequent education; its goal is the harmonious development of the child's personality, including his overall health and personal and social adaptation to his environment. Public and private preschool institutions are

supervised by qualified personnel who provide guidance to the children, their parents, guardians or the persons responsible for them, and to the staff working in the institutions, through seminars, courses and meetings which contribute to their personal development.

80. Panama recognizes that every child has an intrinsic right to life and, to the fullest extent possible, guarantees the child's survival and development, as provided for in article 17 of the Constitution, which is reproduced in paragraph 24 above.

81. With regard to the child's right to express an opinion, reference is made to article 37 of the Constitution, which is reproduced in paragraph 29 above.

82. Children whose age is sufficient to allow them to form their own judgement are similarly guaranteed the right freely to express their opinion through the national education system, which is democratic, scientific and liberal and based on the principles of human solidarity and social justice.

83. For the purpose of the implementation of these principles and compliance with the provisions of the articles mentioned elsewhere in the guidelines, coordination is undertaken with institutions such as the Directorate-General for Social Welfare and the Juvenile Court. The latter, established in 1951 under the direct control of the Ministry of the Interior and Justice, is responsible for dealing with and trying cases of basic behavioural problems, lawbreaking, the corruption of minors, neglect, indigence, ill-treatment, exploitation, the filiation and recognition of natural children, suspension and termination of parental authority, child support, the appointment and removal of guardians, and adoption.

84. One of the principal rehabilitation programmes is the probation programme, which seeks to avoid the partial separation of children from everyday life through imprisonment since that is hardly the best way to rehabilitate them. Unless the case presents pathological elements which endanger those in contact with the child, it is preferable to arrange for his rehabilitation within his normal social environment. For that purpose, a combination of care and monitoring procedures have been established to allow the rehabilitation process to take place without need for confinement.

85. The Observation Centre. This Centre provides temporary custody for minors who are sent there for security and diagnostic purposes. It monitors them through a programme of study and diagnosis, which separates them according to age and sex. It includes a manual arts or home economics workship and a fashion workshop, where young people can learn sewing during their stay at the Centre. There is also a primary school for younger children who have not completed their schooling at that level on arrival at the Centre.

IV. CIVIL RIGHTS AND FREEDOMS

86. Under Panamanian legislation, civil rights and freedoms are translated into daily practice in that public and private hospitals maintain registers in which the names of infants are recorded immediately after birth, regardless of the parents' nationality.

87. The preservation of the identity of our children begins in the home, which is where they first learn the ideals that we all hold most dear: love of home and love of country.

88. Freedom of expression is a general right and a human right of the child and is seen in Panama as the freedom of the child to seek, receive and impart information and ideas of all kinds, regardless of frontiers, whether orally, in writing or in print, in the form of art, or through any other media. Accordingly, encouragement is given to the various local, provincial and national competitions such as the Second National Children's Drawing Competition on the theme "Be a winner - don't let drugs drag you down". This competition was organized by the National Commission for the Prevention of Drug Abuse and sponsored by the Office of the Attorney-General, the Ministry of Education, the Juvenile Court, the Catholic Church, the Panamanian White Cross, the University of Panama, the Ministry of the Interior and Justice, the Judicial Police, the Ministry of Finance and the Ministry of Health. Support was also given to Panama's participation in international competitions such as Japan's Noma Competition for Children, the UNICEF international competition for children, the Spanish International Drawing Competition for Children and the International Drawing Competition for Children in Geneva, Switzerland.

89. The exercise of the right to freedom of expression is subject to a number of legal responsibilities or restrictions - but only those laid down by law and necessary for respect for the rights or reputation of others or for the protection of national security or public order or of public health or morals.

90. Access to appropriate information is a right of the child which is encouraged through material designed to promote his or her social, spiritual and moral well-being and physical and mental health. To this end, the Panamanian authorities are encouraging the mass media to disseminate information and material of social and cultural benefit to children. The Government is itself involved in:

(a) Developing the personality, abilities and physical and mental capacity of children to the fullest extent possible (Constitution, Title 3, chap. 5, arts. 87 and 88);

(b) Instilling in children respect for human rights and fundamental freedoms and the principles embodied in the Charter of the United Nations;

(c) Instilling in children respect for their parents, their own cultural identity, their language and the national values of the country in which they live and where they were born (Constitution, Title 3, chap. 5, arts. 87-89) as described above, all of which is reflected in a way of life characterized by positive values and respect for oneself and for others;

(d) Educating children and providing them with the necessary knowledge and experience to lead, de facto and <u>de jure</u>, a responsible life in a free society, in a spirit of understanding, peace, tolerance, sexual equality and friendship among all peoples, ethnic, national and religious groups, and members of indigenous peoples or nations such as those which make up Panamanian society.

These values are taught in the home, at school and in the community through a combination of theory and practice designed to set an example for children to follow in adult life.

91. The Government also promotes international cooperation in the production, exchange and dissemination of information and materials produced by various national and international cultural bodies. It achieves this through bilateral and multilateral links with various regional and international organizations and with other countries.

92. Panama promotes the production and dissemination of children's books at the local, district, provincial, national, regional and international levels. It also encourages the media to have particular regard to the linguistic needs of children belonging to minority groups or indigenous peoples or nations.

93. In this regard, at the national level, Panama has stepped up the activities of indigenous language institutes, as well as promoting the special "languages" of certain minority groups. The University of Panama's Faculty of Humanities and specifically the Schools of English and French, the History Department, the School of Spanish and the Anthropology Section of the History Department have carried out linguistic studies of minority groups and of indigenous and foreign languages of peoples native to Panama.

94. Children in Panama also enjoy the right to freedom of thought, conscience and religion, since both in the home and in the education system children are encouraged to think creatively and act according to their conscience. With the help and guidance of parents, tutors, guardians, schoolteachers, Sunday schoolteachers, etc., through trial and error, warnings and correctional measures, children develop attitudes and adopt patterns of behaviour which are generally acceptable.

95. Emphasis is also given to the rights and duties of parents, tutors, guardians, legal representatives, etc. in providing guidance to children in the exercise of their rights in a responsible manner and setting examples for them to follow, both in theory and in practice, in a manner consistent with the evolving inward and outward capacities of the child.

96. Freedom to manifest one's religion or beliefs is subject only to such limitations as are prescribed by law and necessary to protect public security, public order, health or morals or the fundamental rights and freedoms of others. This is consistent with the logical understanding of the freedom of the child, as regards exercise, manifestation and development, as complete to the extent that it does not affect the integrity of the fundamental freedoms of other children.

97. Freedom of association and of peaceful assembly is a right of children which is promoted in Panama within the education system, at the preschool, primary and secondary levels, and through national sports and cultural programmes involving the year-round promotion of a range of activities throughout the country. In addition, a wide range of sporting, recreational and cultural activities are organized at the local, community, district and provincial levels to promote the association and peaceful assembly of children.

98. All these meetings within the education system and its related programmes, together with similar activities at the municipal level, take place under the guidance and supervision of qualified staff and call increasingly for the participation of parents, guardians, tutors and legal representatives in dealing with the spreading problem of drug abuse among those who, while they may be the most vulnerable population group of today, are the future defenders and leaders of Panama.

99. In the Republic of Panama, daily practice, customs and the law preclude any arbitrary or unlawful interference with any child's privacy, family, home or correspondence, or unlawful attacks on his or her honour and reputation. The law protects children, as they have the right to be protected against such interference or attacks. To this end, articles 17-21, 25, 26, 29, 30, 32 and 35-37 of the Constitution provide as follows:

> "Article 17: The authorities of the Republic of Panama are established for the purpose of protecting the life, honour and property of its nationals, wherever they may be, and foreigners under its jurisdiction; ensuring the effectiveness of individual and collective rights and duties; and observing and enforcing the Constitution and the law.
>
> "Article 18: Private individuals are responsible only to the authorities for violations of the Constitution or the law. Public officials are so responsible in the same way and also for exceeding their authority or for dereliction of duty.
>
> "Article 19: There shall be no personal privileges or exemptions or any discrimination on grounds of race, birth, social class, sex, religion or political views.
>
> "Article 20: Panamanians and foreigners are equal before the law but, for reasons of work, health, morals, State security and the national economy, the law may make foreigners in general subject to special conditions or deny them the right to engage in certain activities. Depending on the circumstances, the legislature or the authorities may also take measures exclusively affecting the nationals of certain countries in the event of war or in conformity with the provisions of international treaties.
>
> "Article 21: No one may be deprived of his liberty except by an order in writing issued by a competent authority in accordance with the legal formalities and for reasons previously defined by law. The persons executing such an order have an obligation to give a copy thereof to the person concerned if he so requests.
>
> ...
>
> "Article 25: No person shall be compelled to testify against himself, his spouse or relatives within the fourth degree of consanguinity or second degree of affinity in criminal, correctional or police proceedings.

"Article 26: The domicile or residence is inviolable. No one may enter it without the consent of the owners, except by written order of a competent authority and for specific purposes, or to assist victims of a crime or disaster.

...

"Article 29: Correspondence and other private documents are inviolable and may not be seized or examined except by order of a competent authority, for specific purposes and in accordance with legal formalities. In all cases, confidentiality shall be maintained with respect to matters not related to the reason for the seizure or examination. Private telephone communications shall also be inviolable and may not be intercepted. The examination of documents shall in all cases be conducted in the presence of the person concerned or of a member of his family or, in their absence, of two honourable residents of the same place.

"Article 30: There is no penalty of death, exile or confiscation of property.

...

"Article 32: No one shall be tried except by a competent authority and in accordance with the legal procedures, or more than once for the same criminal, police or disciplinary case.

...

"Article 35: All religions may be professed and all forms of worship practised freely, without any limitation other than respect for Christian morality and public order. It is recognized that the Catholic religion is practised by the majority of Panamanians.

"Article 36: Religious organizations shall have legal capacity and manage and administer their property within the limits prescribed by the law, in the same way as other juridical persons.

"Article 37: Every person may express his opinion freely, whether orally, in writing or by any other means, without being subject to prior censorship. Legal liability shall, however, be incurred when, by any of these means, State security or public order is jeopardized."

100. Children also have the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release may be imposed for offences committed by persons under 18 years of age, in order not to stigmatize them.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

101. Parental guidance is respected in Panama in the case of members of the family, national communities, the people, the authorities and the Government as a right and duty exercised and fulfilled under article 55 of the Constitution, referred to above, and articles 187 and 188 of the Civil Code, also referred to in paragraph 8 above, in full keeping with the spirit and letter of article 5 of the Convention.

102. Under the Constitution, the law (Civil Code, Administrative Code, Criminal Code and Family Code) and international conventions (human rights, individual rights, economic, social and cultural rights), both parents have parental responsibility and thus have joint obligations with regard to the upbringing and development of the child, with the best interests of the child as their basic concern.

103. For the purpose of guaranteeing and promoting the rights of the child, States parties are required to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and to ensure the development of institutions, facilities and services for the care of children.

104. In Panama, the administrative and legal authorities are working systematically and continuously to ensure that children are not separated from their parents against their will, except when competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures that such separation is necessary in the best interests of the child. Such determination may be necessary in a particular case, such as one involving abuse or neglect of the child by the parents or one where the parents are living separately and a decision must be made as to the child's place of residence.

105. Everything humanly possible must be done to prevent children from being separated from their families:

> "The family has the primary responsibility for the nurturing and protection of children from infancy to adolescence ... Whenever children are separated from their family owing to force majeure or in their own best interest, arrangements should be made for appropriate alternative family care or institutional placement, due regard being paid to the desirability of continuity in a child's upbringing in his or her own cultural milieu." 1/

106. In Panama, family cohesion is provided for in article 55 of the Constitution, which concerns parental authority (see paragraph 8 above), and also in the above-mentioned articles 187 and 188 of the Civil Code, all of which is consistent with article 9, paragraph 1, of the Convention.

1/ Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (E/CN.4/1991/59, annex, paras. 18 and 19).

107. In Panama, the municipal, administrative and judicial authorities have taken appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for him, both within the State party and from abroad. In particular, where the person having financial responsibility for the child lives in a State other than that of the child, States parties are required to promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements through the diplomatic channels of other countries. In Panama, articles 233-236 of the Civil Code provide as follows:

"Article 233: Maintenance shall be understood to mean what is essential for sustenance, housing and medical care, according to the social level of the family. Where the recipient is a minor, maintenance shall also include education and instruction.

"Article 234: The following persons have an obligation to provide for each other's support, in the full sense specified in article 233:

(1) The spouses;

(2) Forebears and descendants.

They shall, by way of maintenance, provide each other with the assistance necessary for subsistence. Parents also have an obligation to pay for their children's basic education and training for a profession, trade or occupation, within the limits of their financial capacities.

Siblings shall provide each other with the assistance necessary for subsistence when the recipient is unable to provide for his own subsistence because of a physical or mental disability or for any other reason beyond his control. Such assistance shall, if necessary, include the expenditure necessary to pay for basic education and training for a profession, trade or occupation, in accordance with the financial capacities of the provider.

Foster-parents also have the right to be supported by their foster-children in cases of proven need.

"Article 235: In cases where two or more persons have an obligation to provide maintenance, it shall be recovered from them in the following order:

(1) The spouse;

(2) The closest descendants;

(3) The closest forebears;

(4) Siblings.

In the case of descendants and forebears, this ranking shall be based on the order of legitimate succession to the person entitled to support.

"Article 236: Where two or more persons have an obligation to provide support, the payment of maintenance shall be apportioned among them on the basis of their respective assets.

However, in cases of urgent need and in special circumstances, the court may order one of them to provide support temporarily; this shall not affect his right to recover from the others the portion for which they are liable.

Where two or more persons simultaneously claim support from one individual who has a legal obligation to provide it but does not have sufficient resources to meet their combined needs, the order established in the preceding article shall be followed, provided that the concurrent claimants are not the spouse and a child subject to parental authority, in which case the latter shall take precedence."

108. In accordance with the Constitution, the enactments adopted by the Legislative Assembly and approved by the President of the Republic and the relevant international instruments that have been ratified, children temporarily or permanently deprived of their family environment are entitled to special protection and assistance on the part of the State. In this connection reference is made to article 59 of the Constitution, which is reproduced in paragraph 39 above.

109. Article 202 of the Civil Code reads:

"Article 202: Blatant misconduct, abuse of paternal authority and failure to fulfil the obligation to feed and educate children shall be grounds, as appropriate, for changing or suspending a person's rights to parental authority or for depriving him of such rights and also for declaring him unfit to exercise such authority, either temporarily or permanently, in respect of all or some of his children".

110. The system of adoption is recognized in Panama, which is of the opinion, and ensures, that the best interests of the child are the paramount consideration. Articles 171-186 of the Civil Code relate to adoption:

"Article 171: Adoption is the act of taking as one's own a child who is not naturally one's own. In accordance with the procedures established by law.

"Article 172: In order to adopt, the adopter must be over 21 years of age and at least 15 years older than the person to be adopted.

"Article 173: Persons who have legitimate descendants may not adopt.

"Article 174: Adoption may take place only between persons of the same sex; a man may only adopt a male and a woman only a female.
The only exceptions to the foregoing shall be: (a) the case where one spouse adopts the son or daughter of the other; (b) the case where both spouses jointly adopt a foreigner.

"Article 175: Except as provided in the preceding article, a person who is married may not adopt or be adopted without the consent of his spouse, who, by the mere fact of agreeing to the adoption, does not become the adopter.

Article 176: The guardian or curator may not adopt a child who is or has been in his custody until the child has reached the age of 18 and until the guardianship or curatorship accounts have been finally approved and found to have been properly and safely administered.

Article 177: The adoption of a person who has attained the age of majority and is free to administer his own property requires his express consent; the adoption of a minor or person subject to the authority or guardianship of another person requires the consent of the latter and of the minor himself if he is an adult, as well as the consent of the persons who are required to consent to the minor entering into marriage. In the case of a minor taken in by a foundling hospital, orphanage, the National Red Cross or similar institution and who is still in such an institution, the consent of the head official shall suffice, subject to compliance with the procedures referred to in article 4, paragraph 2, of Act No. 24 of 1951 establishing the Juvenile Court.

"Article 178: Where the person to be adopted has property and is a minor or is for any other reason subject to the authority or guardianship of another person, the adoption may not take place unless the adopter posts a bond, to the satisfaction of the father, guardian or curator or person on whom the person to be adopted is dependant, assuming responsibility for such property.

The bond shall also be approved by the court and the property received by means of a formal or judicial inventory which has been recorded in a protocol.

"Article 179: The authorization of the circuit court in the place of residence of the person to be adopted shall in all cases be required for adoption. If the person to be adopted is a minor or regarded as a minor, the court shall, in addition to the measure referred to in the preceding article, take any others it regards as necessary for the benefit of the person to be adopted and the safety of his property.

"Article 180: Once the authorization of the court has been obtained, the corresponding instrument, without which the adoption shall not take effect, shall be executed before the notary public concerned. This instrument shall be signed by the judge granting the authorization, the adopter, the person to be adopted if he is an adult and, where appropriate, also by the person who has consented to the adoption; it shall be authorized by the notary and two witnesses.

"Article 181: After the instrument of adoption has been legally executed, the adopter and the person adopted acquire the rights and obligations of father or mother and legitimate child respectively, except as otherwise provided in this Code.

"Article 182: For the purposes of intestate succession, an adopted child shall be regarded as a natural child.

"Article 183: The adoption shall cease on the death of the adopter or the adoptee as a result of the latter's renunciation or, if he is over 14 years of age, with the consent of the persons referred to in article 177.

"Article 184: When the adoption has ceased or has been validly revoked, the person and property of the adoptee shall revert to the authority or guardianship of the person on whom he was dependant prior to the adoption, if he is not free to administer his own property.

"Article 185: The adoption is not revocable without good reason. The grounds for revocation are the following:

(1) Where the adoptee causes the adopter, his spouse or any of his relatives serious injury or serious damage to their property;

(2) Where the adoptee could have, but did not, come to the assistance of the adopter who was insane or destitute;

(3) Where the adoptee used force or fraud to prevent the adopter from making a will;

(4) Where the adoptee married without the consent of the adopter or the court and where he had an obligation to obtain such consent;

(5) Where the adoptee committed an offence for which the penalty of imprisonment was applicable, indulged in vice, or engaged in dishonest dealings, unless it is proved that the adopter did not pay due attention to the adoptee's upbringing.

"Article 186: If the adoptee does not agree on the grounds on which the revocation of the adoption is based, such revocation shall not be valid unless the grounds are proven in court.

The challenge may be made within three months of the date on which the adoptee, either personally or through a legal representative, is notified of the revocation."

111. Panama is opposed to the sale of or illicit trafficking in children and the illicit transfer and non-return of children abroad and has therefore adopted measures to combat these scourges, as provided for in the basic guarantees, in particular articles 17, 21 and 52 of the Constitution. Articles 17 and 52 are reproduced in paragraphs 24 and 4 respectively; article 21 reads as follows:

"Article 21: No one may be deprived of his liberty except by an order in writing issued by a competent authority in accordance with the legal formalities and for reasons previously defined by law. The persons

executing such an order have an obligation to give a copy thereof to the person concerned if he so requests.

A person caught in the act of committing an offence may be arrested by any other person and shall immediately be turned over to the authorities.

No one may be detained for more than 24 hours without being brought before the competent authorities. Public officials who violate this rule shall be liable to the penalty of loss of employment, without prejudice to the penalties established by law for this purpose.

There shall be no prison, detention or arrest for debt or purely civil obligations."

112. Articles 221 and 310 of the Panamanian Criminal Code refer specifically to violations of this fundamental human right:

"Article 221: Any person who, with criminal intent, uses violence, intimidation or deceit to abduct or detain another person shall be liable to one to three years' imprisonment.

If the victim is under 12 years of age or is incompetent, the penalty shall be two to four years' imprisonment, even if no violence was involved.

...

"Article 310: Any person who operates or forms part of an international organization engaged in trafficking in persons or drugs shall be liable to 10 to 15 years' imprisonment.

The same penalty shall be imposed on any person who commits violations of the human rights recognized in agreements signed by Panama."

113. Panama has taken all appropriate legislative, administrative, social and educational measures to protect the child against all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s) or legal guardian(s) or any other person who has the care of the child, as provided for in articles 52 and 55 of the Panamanian Constitution reproduced in paragraphs 4 and 8 above. All appropriate measures will also be taken to promote the physical and psychological recovery and social reintegration of any child who is a victim of any form of neglect, exploitation or abuse; torture or any other cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration will take place in an atmosphere which fosters the health, self-respect and dignity of the child, as stated in article 105 of the Constitution reproduced in paragraph 10 above.

114. Panama recognizes the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his physical or mental health, to a periodic review of the treatment provided and all other circumstances relevant to his placement, as provided for in

articles 17 and 19 of the Constitution and article 311 of the Criminal Code reproduced in paragraphs 24 and 26 above.

115. Statistical information on indicators relating to children is given in the following tables: table 1: Children cared for in subsidized institutions, 1993-1994; table 2: Children cared for in Child Guidance Centres, by sex and by province, 1993-1994 (annex III).

VI. BASIC HEALTH AND WELFARE

116. The policies on which activities in the health sector are based are defined in articles 105-113 of the 1972 Constitution (see annex IV).

117. The health sector falls within the purview of the Ministry of Planning and Economic Policy. It is also covered by four agencies: the Ministry of Health, the Social Security Fund, the National Water Supply and Sewage Institute, and the Metropolitan Sanitation Department.

118. The health services system is composed of two sub-systems: the governmental health system, which forms the official health sector, and the private medical care system. Individual health care covers prevention, cure and rehabilitation and emphasizes motherhood, growth, old age, occupational health and invalidity through activities such as health education, vaccinations, medical care, supervision of medicines and drugs, and hospitalization. Environmental health covers basic sanitation, environmental monitoring, solid waste disposal, food inspections, and monitoring of vectors and zoonosis.

119. The Ministry of Health is legally and formally responsible for defining sectoral policy and for coordination with other public and private agencies. It comprises a higher, policy-making level which defines and implements institutional policies, formulates standards, conducts evaluations and exercises supervision, and an operational level which implements health projects. Nationally, the Ministry takes part in the process of standardizing, programming and executing health activities. At the operational level, there are 12 regional health units, of which 10 are combined units and the other 2 (Metropolitan and San Miguelito) are not.

120. The combined health units are those where the Ministry of Health and the Social Security Fund take energetic action in a region or province to provide health services and carry out the necessary administrative activities under the sole leadership of the regional administrator or director. There are 657 health facilities in Panama: 36 public hospitals, 25 polyclinics, 138 health centres, 114 health sub-centres and 344 health posts. At present, nearly all the provinces have at least two hospitals with their corresponding networks of health centres and health posts.

121. The national hospitals in Panama City, which take care of the population of the capital, are Santo Tomás Hospital, the Cancer Hospital, the Psychiatric Hospital, the Children's Hospital and the Social Security Fund Hospital Complex, which specialize in many fields. The regional and provincial hospitals specialize in the basic fields and some other fields. The local and district hospitals are located in district chief towns and provide basic

medical, obstetric, paediatric and surgical services. The health centres and sub-centres and the health posts are staffed by an auxiliary nurse, a health assistant and an environmental health inspector.

122. Of the total of 4,963 hospital beds in the country, 21.8 per cent are paediatric, 16.1 per cent for gynaecology and obstetrics, and 62.1 per cent for adults in the various fields.

123. The Directorate-General of Health, within the Ministry of Health, has a number of programmes designed to solve the various health problems which affect Panamanian families. The programmes relate to maternal and child health, child health, adult health, environmental health, community education and organization, health administration, sanitation works, epidemiology, mental health, nutritional health and oral health.

124. In order to guarantee adequate public health care, preventive activities in the area of maternal and child health have been stepped up with a view to controlling preventable diseases. High priority will be given to immunization and to programmes on nutrition and elimination of diseases due to deficiencies, such as goitre and anaemia from lack of vitamin A.

125. The strategic projects being implemented in the health sector are intended for the areas of highest poverty. They are divided into two programmes: the Basic Rural Infrastructure Programme, which comprises projects for the extension of drinking-water and waste-disposal coverage, and the Health Services Programme, which targets the indigenous areas and the North Atlantic region and consists of the strengthening and reorganization of the following services: maternal and child health, adult health, basic sanitation, dental care, nutrition, training and community organization.

126. Health services are costly, and additional financial resources must be sought in each region to maintain and improve services. Users who can afford them will have to pay for the services in accordance with their cost. This will require the establishment of appropriate means testing and a payment system in each of the facilities. On the part of the public, more responsible use of the services is required, which means that they must not abuse the services and must play a more active role in health promotion and disease prevention.

A. Survival and development

127. The States parties to the Convention have an obligation to guarantee the survival and development of the child to the greatest possible extent. To this end the Government, through the Ministry of Health and the Social Security Fund, has structured and organized programmes aimed at achieving this objective. One of these is the Maternal and Child Programme, which is divided into two programmes, the Maternal Health Programme and the Child Health Programme.

128. The purpose of the Maternal Health Programme is to raise the standard of health of the entire population through activities aimed at promotion, prevention and recovery in the area of women's and children's health. The main objectives of this Programme are:

(a) To reduce maternal and perinatal morbidity and mortality rates;

(b) To reduce the incidence of underweight newborn infants;

(c) To combine in health activities preventive and curative aspects, biological and social aspects and personal and environmental aspects, and to integrate medical teams with the individual and his family;

(d) To conduct medical-social research, in particular on women, their families and their communities.

129. The target population is the following: pregnant women of all ages, all breast-feeding mothers, any individual (man or woman) capable of begetting or bearing a child, and all newborn infants from birth to discharge from hospital with their mothers.

130. The purpose of the Child Health Programme is to raise the standard of health of the entire population by promoting the optimum biological, psychological and social development of children and decreasing the risks of illness and death. It promotes the education of families about preventive measures, general care, physical growth, hygiene, nutrition and early stimulation of children at their various stages of development. It promotes exclusive breast-feeding by mothers during the child's first four to six months of life.

131. The target population is the following: children during the foetal period by means of prenatal examination, breast-fed babies (neonatal examination), preschool children and adolescents. Examinations focus on growth and development, nutrition, immunological status, and psychological, social and cultural situation.

B. Disabled children

132. As regards the implementation of article 23 of the Convention, articles 52, 56 and 106 of the Panamanian Constitution, reproduced above, contain provisions to that effect; they are stated in general terms but do cover disabled children. Article 109 refers specifically to disabled children and lays down an obligation for the State to establish special assistance and prevention centres for persons such as disabled children. The second paragraph of that article states:

"Article 109:

...

The State shall establish social assistance and welfare institutions, whose fundamental tasks shall be the economic and social rehabilitation of dependent sectors or sectors which lack financial resources, and the care of mentally disabled, chronically ill and needy disabled persons and groups that have not been integrated into the Social Security System."

133. Article 234 of the Civil Code, reproduced in paragraph 12 above, speaks of assistance among siblings if, for any reason not attributable to the

dependant, the latter is not able to support himself, Act No. 1 of 28 January 1992, which is reproduced in annex V, provides for the protection of the deaf and hard of hearing.

134. Through the Panamanian Special Training Institute, the State provides special care for children with physical and mental disabilities. Treatment covers technical and scientific aspects and is aimed at training disabled children and integrating them into society. The Institute conducts the following programmes: early stimulation; mental retardation; detection of visual handicaps; hearing loss; cerebral palsy; infantile autism; special vocational training.

135. There are other State institutions providing services for the disabled, such as those of the Social Security Fund (hospital complex), through their physical medicine and rehabilitation programmes (prevention, diagnosis and treatment). Similarly, the Ministry of Labour and Social Welfare, through its Employment Division, runs a selective placement programme for disabled job-seekers.

136. Special aid to disabled people is also provided by other non-governmental agencies such as the Foundation for the Disabled, Goodwill Industries and the Mary Arias Foundation.

C. Health and health services

137. As a State party to the Convention, Panama recognizes the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. To this end, article 106 of the Constitution reads:

> "Article 106: In matters of health, the State is primarily obliged to develop the following activities, integrating the functions of prevention, cure and rehabilitation:
>
> (1) Establishment of a national food and nutrition policy, ensuring optimum nutritional conditions for the entire population, by promoting the availability, consumption and biological benefit of suitable food;
>
> (2) Training of individuals and social groups by means of educational activities concerning individual and collective rights and responsibilities with respect to personal and environmental health;
>
> (3) Protection of the health of mother, young child and adolescent, guaranteeing full health care during pregnancy, lactation, childhood and adolescence;
>
> (4) Combating contagious diseases through environmental health, development of potable water availability, and adopting methods of immunization, prophylaxis, and treatment to be provided collectively and individually to the whole population;

(5) Establishment, in accordance with the requirements of each region, of centres which provide comprehensive health-care services, and supply medicines to the whole population. These services and medicines shall be given free to those who lack the means to purchase them;

(6) Regulation and supervision of compliance with health and safety standards in places of work, establishing a national policy of medicine and hygiene for industry and labour."

138. The Ministry of Health and the Social Security Fund run the following public programmes in compliance with article 24 of the Convention on the Rights of the Child:

(a) Maternal and child health: the purpose of this programme is to raise health standards among all mothers and children, through activities aimed at promotion, prevention and recovery in the area of maternal and child health;

(b) Child health: aimed at raising health standards among all children by promoting the optimum all-round development of children and decreasing risks of illness and death;

(c) Adult health: aimed at raising the health level of all persons over 20 years of age through promotion, prevention, recovery and rehabilitation activities;

(d) Environmental health: aimed at decreasing environmental pollution and creating a healthy environment for people wherever they may be;

(e) Education and community organization: aimed at improving public access to education; promotion and organizational activities relating to health;

(f) Health administration: aimed at improving the decision-making and operational capacity of human resources and improving the effectiveness and efficiency of health services;

(g) Sanitation works: strengthening and developing the health services infrastructure through the construction, repair and maintenance of the equipment needed for the development of programmes;

(h) Epidemiological programmes: monitoring the health-illness process in the population and intervening in prevention and control activities;

(i) Mental health: aimed at improving the mental condition of the entire population, especially high-risk groups;

(j) Nutritional health: improving the nutrition of the entire population, especially high-risk groups;

(k) Oral health: promotes, protects, preserves, restores and rehabilitates oral health among the entire population, giving priority to the human groups at greatest risk and to the most significant problems.

D. Social security and child-care services and facilities

139. In accordance with articles 18, paragraph 3, and 26 of the Convention, article 109 of the Constitution states:

> "Every individual is entitled to the security of his means of subsistence in the event of unfitness for work or inability to obtain gainful employment. The social security services shall be provided or administered by autonomous agencies and shall cover sickness, maternity, disability, family subsidies, old age, widowhood, orphanhood, compulsory dismissal, industrial accidents, occupational diseases, and any other contingencies that may be covered by social security."

140. In order to comply with this constitutional provision, Act No. 23 of 1941 established the Social Security Fund as the institution responsible for providing inhabitants with the right to social security services and benefits. The care provided by this institution is for the working population only. The Social Security Fund is a public-law entity and autonomous in its administration, operation and financial management, with legal personality, equity capital and funds separate from the public administration.

141. The general requirement for receiving benefits is to be an active contributor or a dependant, spouse, child, mother or father of a beneficiary. Eligibility for each benefit is subject to certain requirements. The benefits covered are: ordinary or work-related illness, maternity, disability, old age and death.

142. As regards care for young children, article 59 of the Constitution stipulates:

> "The State shall establish a body for the protection of the family, with the aim of:
>
> ...
>
> Providing education for preschool children in specialized establishments in cases where parents or guardians request such education."

143. The State provides preschool education for children up to the age of 5 years and 11 months. Such education promotes the child's general development and focuses on the various aspects of his personality: physical, social, emotional and intellectual. The Government is aware of the importance of this period of education and of providing children with an appropriate environment that will include support, stimulation and experience to help them mature harmoniously.

144. Panamanian children receive preschool education through coordinated action by State and private institutions and agencies. Community preschool establishments represent a response to the communities, aimed at helping to

reduce the sociocultural disadvantages of young children whose families are grappling with various socio-economic problems which naturally have an impact on their physical, mental and social development.

145. There are currently 54 child guidance centres scattered around the country; they are subordinate to government agencies directly supervised by the Early Education Department of the Ministry of Education; there are 6 centres run by the Directorate-General for Community Development; 12 run by municipalities; 87 run by the Ministry of Labour and Social Welfare, which also receive technical support from the Ministry of Education; and 98 private centres. These centres accept children from one to four years of age during the day, for the benefit of working mothers, and provide care contributing to the children's comprehensive development, due account being taken of social, emotional, psychological, motor and cognitive aspects.

E. Standard of living

146. In this connection, article 62 of the Constitution states:

> "The law shall establish the way in which the minimum wage or salary of workers is to be periodically adjusted to meet the normal needs of their families and to improve their standard of living, according to the specific conditions of each region and each economic activity. The law may also determine the method of setting minimum wages or salaries by profession or trade.
>
> Whenever job or piece work if performed, payment of the minimum wage for each day's work is obligatory.
>
> The minimum wage portion of any wage or salary shall be unattachable except for obligatory support payments as established by law. The tools of workers shall also be unattachable."

147. In the area of food and nutrition, mention should be made of the School, Family and Community Garden Programme, which is run by the Ministries of Education and Health. As regards food supply, the School Nutrition Programme conducted by the Ministry of Education covers approximately 30,000 schoolchildren at high risk. Other programmes are the Food for Work Programme run jointly by the National Renewable Resources Institute and the Ministry of Agricultural Development, with the support of the World Food Programme.

148. The Mother and Child Group, run by the Ministry of Health, helps to raise the standard of living as regards health. The Group also distributes vitamin A directly to indigenous groups in Chiriquí and Bocas del Toro, with the support of UNICEF.

149. At the same time, a number of non-governmental organizations, such as the Red Cross, Nutre Hogar, Fundación Pro-Niños del Darién, Patronato Nacional de Nutrición, Patronato Nacional de la Juventud Rural and Cáritas Arquidiocesana, engage in humanitarian activities.

150. Many of the activities of the Ministry of Health, operating through its Comprehensive Health-Care System, take the form of direct intervention,

particularly in the areas of pregnancy monitoring, childbirth care, monitoring of children's growth and development, promotion of breast-feeding, health-care visits, the expanded immunization programme and nutrition programmes.

151. "With regard to housing, in other words, human beings' need for protection from the elements, the Government, through the Ministry of Housing, has set itself the goal of developing 88,769 dwellings of different types for low-income or destitute families at a cost of B 127.4 million, of which B 108.3 million will be spent in 1992-1994 and the remaining B 19.1 million in 1995." 2/ In order to meet this commitment and provide support for the Panamanian family, the Ministry of Housing has conceived and developed a housing philosophy entitled "New Life", whose first priority is to meet the needs of families from condemned and abandoned houses and other dwellings of a temporary nature who, due to their extreme poverty, are ineligible for ordinary housing projects.

152. In 1990, the Panamanian population under 18 years of age was estimated at 1,006,000, accounting for approximately 43 per cent of the country's total population. About a third of these children were under 5 years of age and constituted the group considered most vulnerable with respect to child mortality; in Panama, the birth rate is 6 per hour or 134 per day.

153. The situation of Panamanian children is reflected in a number of health indicators. For example, in 1990, there were an estimated 23 deaths per 1,000 live births of children under 1 year of age and 35 deaths per 1,000 of children under 5 years of age. That statistic varies according to the living conditions of the different regions, social classes and population groups. Thus, infant mortality levels are three times greater than the national average among indigenous children and in regions of extreme poverty.

154. The principal causes of death among children are congenital abnormalities, intestinal infections, accidents and violence, malnutrition and pneumonia, the majority of which are preventable.

155. The height censuses, carried out jointly by the Ministry of Health and the Ministry of Education in 1982, 1985 and 1988 among first-grade pupils and used as an indicator of nutritional deficiencies, indicate an increased prevalence of malnutrition. At the national level, 24.4 per cent of children were below normal height for their age; however, the percentage was 71 per cent in San Blas, 44 per cent in Bocas del Toro and 40 per cent in Darién. In order to deal with this situation, Panama has developed a strategy whose programmes and projects fall under the mandates of governmental and non-governmental agencies, within the constraints imposed by the scarcity of resources and the scope of the problems involved. The goal of the strategy is to improve the socio-economic conditions of the population from the standpoints of nutrition, health, education and housing.

2/ Statement made at Summit Meeting of Central American Presidents. Panama: A Plan of Action for Human Development, Childhood and Youth, November 1991, p. 34.

156. The most noteworthy social compensation measures taken in the health sector include the following:

(a) Significant increase in the budget for investment in this area;

(b) Expanded programmes for the prevention of illnesses such as malaria, dengue fever and cholera;

(c) Allocation of funds to increase the percentage of the population with access to potable water, latrines and garbage collection;

(d) Plans to refurbish hospitals and other health-care facilities and thereby improve services.

157. The School Nutrition Programme has been expanded, with the support of the Ministry of Education, the Ministry of Agricultural Development and the Social Emergency Fund, and provided a snack consisting of a glass of milk to over 135,000 children in 1992, as a means of dealing with inequalities in food and nutrition levels among schoolchildren, which are a factor in poor classroom performance.

158. The National Poverty Alleviation Programme, through projects and programmes aimed at children and adolescents, has worked to improve the physical, psychological and social health of children from 5 to 14 years of age in the most poverty-stricken areas through comprehensive care of the adolescent, food production, training of health-care instructors, community education and social mobilization. The goal is to reach 27,605 schoolchildren during the period 1992-1994.

159. Another important project is aimed at children in especially difficult circumstances, for example, in the San Blas region, where the goal is to give talks to mothers who bring their children to health-care centres. The project also provides for mobile health care and the building of cafeterias and child guidance centres. The goal is to reach 29,000 children in 1992-1994.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

160. Educational practice can be understood only in the context of Panama's complex development process. The late twentieth century has been a particularly dramatic period for the country, which has experienced political, social and economic conditions that have shaken the very foundations of the social structure. Nevertheless, Panama has never wavered in its commitment to implementing educational programmes in keeping with the goals of Panamanian society and democracy.

A. Education, including vocational training and guidance

161. The question of the right to education is covered in the first paragraph of article 87 of the Constitution, which is reproduced in paragraph 6 above.

162. In order to carry out this constitutional mandate, the State, with the support of a group of government agencies, is implementing a number of coordinated projects in the field of education. The Ministry of Education is

responsible for the educational sector, which comprises the following institutions: the University of Panama, the Technological University, other private universities, the Institute for the Training and Development of Human Resources, the Panamanian Special Training Institute, the National Cultural Institute, the National Sports Institute, and the National Vocational Training Institute. There are also other State and private agencies which participate in specific activities for the strengthening, expansion and improvement of the education system.

163. The Ministry of Education, through the National Department of Education, oversees the development of activities to improve the teaching and learning processes at the levels of preschool, primary-school, secondary-school (secondary, academic, vocational and technical) and higher education, non-university education, supplementary special education and adult education.

164. At the same time, other activities are being developed to meet the educational needs of the population between 5 and 18 years of age and those who are continuing their studies at the higher level. The educational needs of the adult population taking courses at the pre-university levels must also be met through adult education programmes offered by public secondary evening classes.

165. It must be emphasized that, under the Constitution, public education is free at all pre-university levels. It is compulsory at the primary level of basic general education. It must also be stressed that the State is required to provide pupils with all necessary equipment during their basic general education.

166. Despite the Ministry of Education's lack of financial resources, it has made invaluable efforts to enrol school-age pupils in the compulsory education system; as a result, 92.9 per cent of pupils at the primary level and 65.0 per cent of those at the middle or secondary level are enrolled in school.

167. In 1991, there were a total of 663,351 enrolled pupils, 32,300 teachers and 4,417 schools. A comparison between the 1991 school population (663,351) and that of 1990 (653,132) shows an increase of 10,219 pupils, in other words, a 1.6 per cent increase over the preceding year (see annex VI, table 1). A comparison between the number of teachers working in educational establishments in 1991 (32,300) and in 1990 (29,340) shows an increase of 10.1 per cent or, in absolute numbers, 2,960 teachers (see table 2).

168. Article 51 of the Education Organization Act (No. 47) of 1946, which deals with secondary education, states:

> "Article 51: The goal of secondary education shall be to continue to encourage and guide the general educational progress which is initiated by the primary school, to explore pupils' abilities and interests, and to prepare them, according to their abilities and interests and the needs of society, successfully to take their appropriate places in the life of the community."

169. The Act also establishes that all public education shall be free. Progress in the field of secondary education was achieved through Act No. 13 of 28 June 1987, which abolished tuition fees in State secondary schools throughout the country, in both the first and second cycles.

170. There are two types of higher education: university and non-university. The first is provided primarily by Panama's three universities. All these institutions of higher education include regional centres and extension services at various locations around the country. Completion of studies at the secondary level is the requirement for enrolment in non-university higher education, which is offered by both public and private institutions. The University of Panama campus also houses the Central American Institute of Educational Administration and Supervision, which operates at the university level.

171. An analysis of higher education statistics shows that in 1984 there were a total of 53,141 enrolled students; in 1988 there were 1,519 fewer students and, out of the total of 51,622 students, there were 12,906 men and 38,716 women.

172. Measures to encourage regular attendance and reduce the school drop-out rate. It is at the primary level that the child is motivated to make progress in the educational system. The State must therefore develop and approve curricula, teaching programmes and grade levels and organize a national educational guidance system in accordance with the needs of the country. It must also set up systems for allocating the necessary resources to provide scholarships, grants or other forms of financial assistance to students who deserve or need them; all other things being equal, preference is given to those in greatest need.

173. Measures to ensure that school discipline is administered in a manner consistent with the child's human dignity. In Panama, school discipline is above all based on respect for the child's human rights and dignity. It should also be stressed that school personnel - teachers, social workers and psychologists - are trained in both the academic and psychological aspects of job counselling. We have received international assistance to improve education. The benefits have included teaching materials for primary schools; training workshops for management staff and adult supervision; intensive postgraduate courses; the creation of libraries; information exchange; and agreements and joint undertakings with other ministries and organizations. Scholarship programmes have been funded by the European Economic Community and channelled through the Institute for the Training and Development of Human Resources, which was set up to develop effective programmes aimed at the utilization of the nation's human resources and thereby speed its economic and social development.

B. Aims of education

174. The education system should bring the major aspects of education policy, strategies, activities and resources into line with the requirements of national development. The main aspects of education policy are similar to the aims of education as outlined in the Convention on the Rights of the Child.

(a) Education in democracy for democracy;

(b) Education that encourages the moral and ethical rebuilding of the population, promoting the highest ideals of civic-mindedness, responsibility, honour and efficiency;

(c) Education for the full and balanced training of the individual;

(d) Education for creativity, innovation and social change.

C. Leisure, recreation and cultural activities

175. In Panama there are two institutions which are responsible for offering sports and cultural activities to the public, and to young people in particular: the National Cultural Institute (INAC) and the National Sports Institute (INDE). Their legal basis is Act No. 63 of 6 June 1974, and they carry out training, educational, recreational and cultural activities at the national level.

176. In addition, there are commissions within the Legislative Assembly for the various areas or sectors of public activity. One such commission - the Commission on Education, Culture and Sports - will be mandated to draft and propose legislation and issue opinions on:

(a) The maintenance and promotion of all forms of education, culture and sport;

(b) Scientific, literary and artistic associations, libraries, museums, institutions and other cultural and educational establishments, and scientific, literary and artistic property;

(c) The promotion and development of national values.

177. The municipal councils also promote culture and share the administrative costs of primary schools, industrial education centres, vocational training, fine arts academies and special schools, libraries, museums and special educational establishments.

178. The purpose of the INDE is to oversee, encourage, direct and coordinate sports activities in Panama and thereby contribute to the full and harmonious spiritual, physical and moral development of Panamanians and make them better able to exercise their rights and perform their duties as part of society and as citizens.

179. Families participate as a group in such sports as swimming, cycling, baseball, tennis, bowling, gymnastics, football, basketball and softball. This participation may take the form of a father attending a game in which his son is playing or children attending sports functions to see their parents perform.

180. Article 82 of the Constitution reads: "The State shall foster the development of physical culture through sports, educational and recreational institutions which shall be regulated by law." The INAC is responsible for

all cultural matters, but the Ministry of Education also organizes sports activities as part of primary and secondary-school curricula.

181. The media also have a positive influence on active participation in sports.

182. The purpose of the INAC is to oversee, promote, coordinate and direct cultural activities in Panama. It encourages and develops activities aimed at disseminating and promoting culture directly or with the participation or cooperation of the National Assembly, municipalities, municipal councils and other interested organizations. The following cultural activities are offered: summer festival, Zárate week, museum week, experimental theatre, expo-theatre, popular shows, Happy Saturdays, Family Sundays, Sundays for children, artistic pot-pourri, workshop-seminars, cinema, lectures, courses, video presentations, tours around the old town of Panama City, culture in the Queen Torres de Araúz Anthropology Museum, the Ricardo Miró contest, the Medio Pollito (children's literature) competition, the Gustavo Batista Cedeno Poetry Prize, literary workshops on short stories, poetry, novels, philosophical essays, theatre, and so forth.

183. Through the INAC, the State is promoting and supporting programmes to combat the scourge of drug abuse, a phenomenon that is affecting our children and young people.

184. In order to serve our children, coordination is needed between the various governmental and non-governmental entities that either directly or indirectly carry out children's programmes. In 1991, 351,362 children were enrolled in primary schools, most of them between the ages of 6 and 11. The number of pupils aged 12 to 17 enrolled in secondary schools was 147,364. It should be noted that efforts are under way to develop new curricula that will take into consideration the parameters to be established in the Education Act, which is currently being revised.

185. In 1993 and 1994, children under five enrolled in the day-care centres of the Ministry of Labour and Social Welfare numbered 2,597 and 2,635 respectively. The Panamanian Special Training Institute, which is subordinate to the Ministry of Education, runs a programme for 4,500 disabled children and provides scholarships for the poorest.

186. The Juvenile Court, subordinate to the Ministry of the Interior and Justice, runs vocational training programmes for children in especially difficult circumstances and a sponsor-entrepreneur programme for 273 children, which provides scholarships to students working part-time to enable them to complete their studies. In addition, a number of NGOs are involved in numerous activities in support of children, such as the Panamanian Family Planning Association, Casa Esperanza, which looks after 362 boys and girls, and civic clubs.

187. As to social assistance programmes, during 1992 the Ministry of Labour and Social Welfare organized recreational programmes for neighbourhoods in the capital, in which approximately 680 children under 12 participated. It is also running a counselling project for children working in the street or begging. Currently it helps 50 children and their families. The Mayor's

Office of Panama City also looks after 50 children with support from private enterprise in the "Elder Brothers" programme.

188. In the State-subsidized institutions, 1,034 and 1,012 children were cared for during 1993 and 1994 respectively. In these institutions they are provided with the conditions necessary for their physical, psychological and social development; this will help them to continue to lead a decent, productive life at the various stages of their lives.

VIII. SPECIAL PROTECTION MEASURES

189. As to the implementation priorities and specific goals for the future in respect of children in situations of emergency, as mentioned in the Convention, reference is made to article 17 of the Constitution, which is reproduced in paragraph 24 above.

190. Panama has a National Office for Refugees within the Ministry of the Interior and Justice. This office is mandated to provide care and implement the necessary procedures so that children seeking refugee status are accompanied by their parents or some other adult and receive appropriate protection and humanitarian assistance, enabling them to enjoy their rights under the Convention and other international human rights or humanitarian instruments.

191. With regard to children in conflict with the law, the Juvenile Court handles the legal aspects of offences by children, who receive guidance, supervision and education and vocational training programmes and are dealt with in a manner appropriate to their well-being.

192. Children belonging to indigenous groups, like all members of those groups, have the right to preserve their own cultural life, to use their own language, and to profess and practise their own religion, as stated in article 76 of the Constitution: "The State recognizes the right of every individual to take part in cultural activity and shall therefore encourage the participation of all inhabitants of the Republic in the national culture."

193. Under article 86 of the Constitution, "The State recognizes and respects the ethnic identity of the national indigenous communities. It shall carry out programmes to develop the material, social and spiritual values inherent in each of their cultures, and shall establish an institution for the study, preservation and dissemination of these cultures and their languages and for the promotion of the full development of these human groups."

194. Similarly, article 104 reads:

> "The State shall develop education and advancement programmes for the indigenous groups since they possess their own cultural standards, so as to ensure their active participation as citizens."

195. Within existing budgetary restrictions, the Government promotes the well-being of its citizens, and particularly children and young people. This has led to a change in attitude and promoted a greater sense of responsibility, participation and solidarity among all the sectors concerned

and the community in general, the aim being to achieve the development and protection of Panamanian children and further enhance their quality of life.

IX. CONCLUSIONS

196. Information on children's rights must be systematically disseminated as a major activity within the national education system, both formal and informal, with a view to contributing to the realization of those rights. Information campaigns must also be aimed at the community at large.

197. Not only should there be a single document containing all the various provisions and laws relating to children, but awareness of these guiding principles and international agreements should be increased, with the aim of bringing about changes in the way the institutions involved with children operate.

198. In order to ensure compliance with these principles, more centres for study and research, the treatment of those who abuse children and women, assistance to victims and family care are needed, together with the necessary resources to enable them to operate and to ensure that the problem receives adequate attention.

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